

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KABA BEY,

Plaintiff,

v.

FRANCISCO GARCIA,

Defendants.

No. 1:20-cv-00795-NONE-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
GRANTING DEFENDANT'S MOTION TO
QUASH AND TO DISMISS FIRST
AMENDED COMPLAINT WITH
PREJUDICE AND DIRECTING THE CLERK
OF COURT TO ASSIGN DISTRICT JUDGE
AND CLOSE CASE

(Doc. Nos. 17, 19)

Plaintiff Kaba Bey is proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on plaintiff's first amended complaint against defendant Francisco Garcia in connection with a traffic stop. This matter was referred to a United States Magistrate Judge on November 30, 2020. (Doc. No. 18.)

On January 5, 2021, the assigned magistrate judge issued findings and recommendations recommending that defendant's motion to quash and to dismiss be granted, that plaintiff's first amended complaint be dismissed with prejudice, and that this case be closed. (Doc. No. 19.) Those findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 12-13.) Plaintiff filed objections on January 21, 2021. (Doc. No. 20.)

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In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis. Most notably, the findings and recommendations correctly indicate that “[b]oth of Plaintiff’s amended complaints hinge on his view that as a Moroccan citizen, he is” among other things, “not subject to any state law requiring valid driver’s licenses.” (Doc. No. 19 at 10.) In reaching this conclusion, the magistrate judge quoted a decision issued by another judge of this district in a separate case brought by this same plaintiff. (*Id.* (citing *Bey v. Saucedo*, No. 2:19-cv-2113-TLN-DB (PS), 2020 WL 1640000, at *3 (E.D. Cal. Apr. 2, 2020), report and recommendation adopted, 2020 WL 3840774 (E.D. Cal. July 8, 2020).) That ruling persuasively explains why plaintiff’s claims have no merit and should be dismissed. (*See id.*) Plaintiff’s objections fail to undermine this reasoning. (*See generally* Doc. No. 20.) Plaintiff does request an additional opportunity to amend his complaint for a third time but fails to provide anything but conclusory assertions about how he could amend to cure the defects this and other courts have identified with his legal theories. The undersigned concludes that granting further leave to amend would be futile in this case and is not justified under such circumstances.

Accordingly,

1. The findings and recommendations issued on January 5, 2021, (Doc. No. 19), are adopted in full;
2. Defendant’s motion to quash and to dismiss (Doc. No. 17) is GRANTED;
3. Plaintiff’s first amended complaint is DISMISSED, WITH PREJUDICE; and
4. The Clerk of Court is directed to assign a district judge to this case for the purpose of closing the case and then to close this case.

IT IS SO ORDERED.

Dated: January 27, 2021


UNITED STATES DISTRICT JUDGE